

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-1870-2016 (O&M)

Date of decision: 18.11.2016

Satvinder Chopra & Ors.

.....Petitioners

Versus

State of Punjab & Anr.

.....Respondents

CORAM : HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manvinder Singh Sidhu, Advocate,
for the petitioners.

Mr. Arshdeep S. Kler, DAG, Punjab,
for respondent No.1-State.

Mr. Surinder Saini, Advocate,
for respondent No.2.

Jaishree Thakur, J.(Oral)

CRM-36320-2016

Instant criminal miscellaneous application has been filed seeking permission to place on record reply along with Annexure R-1 a copy of the decree of Divorce granted on 2.7.2016 on record on behalf of respondent No.2.

For the reasons mentioned in the application criminal miscellaneous is allowed. Reply and annexure R1 filed on behalf of respondent No.2 are taken on record.

CRM-M-No.1870-2016

This petition has been filed under Section 482 of the Code of Criminal Procedure seeking for quashing of FIR No. 178 dated 29.8.2012

(Annexure P/1) registered under Sections 420, 467, 468, 471, 495, 494, 120-B IPC at Police Station Muktsar District Muktsar and all subsequent proceedings arising therefrom on the basis of a compromise.

2. Learned counsel for the petitioners contends that petitioner No. 1 and Rajwinder Kaur were married in 2003. On account of matrimonial disputes a FIR was registered at the behest of the respondent No.2 Rajwinder Kaur. In the said FIR it was alleged that the petitioner No. 1 contracted a second marriage with one Pooja Gill- petitioner No.7 which led to the filing of the instant FIR No. 178 dated 29.8.2012 registered under Sections 420, 467, 468, 471, 495, 494, 120-B IPC. Eventually with the intervention of the elders the dispute came to be settled amicably between the parties on 16.11.2015 and as per the terms of the compromise, the marriage would be dissolved between Satwinder Chopra and Rajwinder Kaur by filing a petition under Section 13-B of the Hindu Marriage Act 1955 as there was no chance of a reunion. It was also agreed that a sum of ₹ 16,00,000/- would be paid as full and final settlement towards maintenance / permanent alimony/maintenance of the minor child. Thereafter, Rajwinder Kaur respondent herein would have no further claim against the appellant herein. Pursuant to the said compromise a petition under Section 13-B of the Hindu Marriage Act was preferred and the marriage came to be dissolved by a decree of divorce dated 02.07.2016 (Annexure R-1). While recording the statements of the parties, in the said order it was noted that a sum of ₹ 16,00,000/- had been received as per the terms of the compromise. One of the terms of the compromise is that Rajwinder Kaur would assist in the

quashing of the FIRs lodged and would sign all documents and affidavits if the need so arises and that she would also suffer a statement before the High Court. This fact has not been disputed by the counsel appearing on behalf of Rajwinder Kaur respondent No.2 who submits that she is bound by the compromise and would have no objection in case the FIR is quashed .

3. Learned Deputy Advocate General, Punjab, on instructions from the Investigating Officer and learned counsel for the complainant-respondent No.2 admit the factum of compromise and submit that in case the parties have indeed settled their dispute, the State would have no objection to the quashing of the FIR, in view of the law laid down by the Hon'ble Supreme Court.

4. I have heard learned counsel for the parties and have also gone through the record.

5. In a decision, based on compromise, none of the parties is a loser. Rather, a compromise not only brings peace and harmony between the parties to a dispute, but also restores tranquility in the society. After considering the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, continuance of criminal prosecution would be an exercise in futility, as the chances of ultimate conviction are bleak.

6. Consequently, keeping in view the fact that the dispute has been amicably settled and in view of the law laid by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and another, 2012 (4) RCR (Cr.) 543***, this petition is allowed and FIR No. 178 dated 29.8.2012

registered under Sections 420,467,468,471,495,494,120-B IPC at Police Station Muktsar District Muktsar and all subsequent proceedings arising out of the same are quashed.

7. The petition stands disposed of .

18.11.2016
sp

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No.